

AGENDA



Thursday, February 14, 2008

**Convention Center
RECOMMENDATION FOR COUNCIL ACTION****Item No. 6**

Subject: Authorize the City Manager to negotiate and execute a Third Amendment to Second Amended and Restated Lease Agreement with Greater Austin Performing Arts Center, Inc., d/b/a "The Long Center" to define the Access Area from the Long Center's Premises over, upon, and across adjoining City land to public right-of-way.

Amount and Source of Funding: Fiscal impact to City or others is none, unless the Long Center defaults and, in that event, the O&M reserve would allow operation for that year.

For More Information: Contact Hymie Gonzales 404-4042, Darin Upchurch 404-4216, or Gordon Bowman 974-2346.

Prior Council Action: Ground Lease Agreement dated effective as of April 7, 1999, Amended and Restated Lease Agreement dated effective as of May 3, 2001, and Second Amended and Restated lease Agreement dated effective as of January 13, 2005, First Amendment dated effective as of April 7, 2005, (the "Lease Agreement").

As provided in the Lease, upon completion of the Long Center's Improvements, which has just occurred, and commencement of operations at their Premises, which is imminent, and continuing thereafter for so long as the Long Center has the right to possess the Premises under this Lease, the Long Center is to be granted a non-exclusive right of access over, upon and across, but not under, certain real property of the City located adjacent to the Long Center's Premises and designated as the "Access Area". The Access Area has been defined by a metes and bounds description of the Access Area, which is to be attached to the Lease by amending it to add Exhibit A-2. The Access Area is for purposes of vehicular access to and from the Long Center's Premises, the Palmer Events Center Parking Garage and the Service Yard. The Long Center's use of the Access Area will be in common with the City and any other parties the City may allow to use same, and will be subject to such rules and regulations governing the use thereof as the City may from time to time promulgate. No vehicles of the Long Center or its employees, invitees, patrons, or guests may be parked in the Access Area and the City can tow any vehicles parked in violation of this prohibition. Part of the Access Area passes through the Palmer Events Center Parking Garage and such access rights may be limited by the dimensions of the Parking Garage.